

ANWR. The House had just passed a bill containing the approval to proceed with oil and gas leasing. They knew that. They wanted to put it up in the Smithsonian and have all the visitors to the beautiful Smithsonian look at this exhibit and come to the conclusion that those who propose proceeding with the authority under the 1980 act that President Carter signed, are somehow wrong.

That is advocacy on an issue that is pending before the U.S. Congress, and it is wrong to use the Smithsonian for that purpose. I do not believe we should let it go unnoticed. People are criticizing the management of the Smithsonian for having recognized that. I will defend them. They were right.

As a matter of fact, I would defend them if someone from my point of view went to the Smithsonian and demanded space to use the Smithsonian to advocate my point of view. That is not right. They have every right in the world to produce this book, every right in the world to publish it, to distribute it, to sell it, and to advocate a position against what I believe in. The constitutional right of free speech in this country gives them the absolute right to do what they want to do, but they do not have the right to use federally supported facilities like the Smithsonian and demand the right to use it and castigate those who manage the institution, who caught them in the act and said: You cannot do that.

I applaud the Smithsonian managers and I tell them unquestionably, I want them to notify me if there is any further attempt to bully them. We are going to get to the bottom of this one because it is absolutely wrong to challenge and castigate people who are doing their job correctly. The Smithsonian did the proper thing, and their opponents should admit it and stop this.

Every article I have seen, every radio account that I have seen, anything that has been said about this, indicates I am the one who put pressure on the Smithsonian to move it. It is not true. We did not do that. But I do applaud the people who made the decision that this is wrong.

I think the Congress should insist that the Smithsonian and other Federal facilities not be used for advocacy, pro or con, on legislation pending in the U.S. Congress.

AIR CARGO SECURITY IMPROVEMENT ACT

Mr. NELSON of Florida. Mr. President, I rise to give my comments on an act that we passed yesterday. It is the Air Cargo Security Improvement Act. I think it is worth noting some of the particulars of this legislation which passed the Senate last night because it is another important step toward fully protecting the United States and all Americans from terrorists who intend to use our aviation system to commit future attacks.

While there are a bunch of provisions in this bill, it includes the creation of a security program to protect our air cargo from terrorist attacks. This bill mandates crucial studies on blast-resistant cargo containers. It also provides for TSA, the Transportation Security Administration, passenger screening. That is known as CAPPS II. It also provides how to defend our airliners from shoulder-fired missile attacks. That is a shoulder-mounted, heat-seeking missile, similar to that used in the attack of last December on an Israeli charter jet in the skies over Kenya.

This legislation is clearly in the interest of the United States and in the interest of freedom-loving people around the world. It also addresses a deep concern of mine regarding foreign citizens coming to the United States to receive pilot training on all sizes of aircraft. Does that have a resonance? Does that call to mind something that had disastrous consequences to this country?

Well, indeed, because what we have seen is what can happen when people come to our country with the specific intent to do us great harm. Many of the September 11 hijackers had learned to fly airplanes right here in the United States. They used those airplanes, then, as deadly weapons against the interests of Americans and the people who were in those buildings. They learned to fly in flight schools right here in the United States.

Now, section 113 of the Aviation and Transportation Security Act, which was enacted in the last Congress, requires background checks of all foreign flight school applicants seeking training to operate aircraft that are 12,500 pounds or more. I had attached that particular provision in the Commerce Committee, and that was part of the package that ultimately became law.

Clearly, that was a step in the right direction because, had that been in effect, it would have screened out those who did harm to us by learning to fly airliners in our own flight training schools here. But that provision—with a cutoff of only learning to fly 12,500-pound aircraft or more—doesn't help us from preventing different types of potential attacks against our domestic security.

To rectify that problem, we attached another amendment to the bill that passed last night which addresses the issue of background checks for all foreign flight students who come to flight schools to learn to fly in the United States.

Why? Besides the obvious—the events on September 11—the FBI has issued terrorism warnings indicating that small planes might be used to carry out suicide attacks. Small aircraft can be used by terrorists to attack nuclear facilities, carry explosives, or to deliver biological or chemical agents. We remember what they found on the computer of one of the suspected hijackers: information about learning to fly a crop duster.

For example, if a crop duster is filled with a combination of fertilizers and explosives and were it to be taken into an area of high concentration of people, such as a sports stadium, that could do some serious damage and some serious injury, not even to speak of the possibility of distributing biological or chemical agents from something like a crop duster. It is in the interest of this country to ensure we are not training terrorists to perform those acts.

The bill that passed last night will close an important loophole and answer the critical warnings issued recently by the FBI by extending the background check requirement to all foreign applicants to U.S. flight schools regardless of the size of aircraft they seek to learn to fly.

The flight schools naturally have been concerned: Is this going to be more redtape for them? The fact is, when we passed this provision over a year ago, it was assigned to the Department of Justice. The Department of Justice never implemented the bill, to the great frustration of the owners and the operators of flight schools, so that they could never get the foreign flight students in because the Department of Justice had not implemented the rules to allow those background checks, which is a simple little fingerprint test that can be done in our embassies and consulates abroad before the foreign flight student ever comes to America. Naturally, the flight schools were frustrated.

We are rectifying that situation for the flight schools because this is not going to be in the Department of Justice, where the holdup occurred; it is going to be in the new Department of Homeland Security, specifically designated to the TSA, the Transportation Security Administration, and it is my expectation that the TSA, which provided excellent advice in the fine-tuning of this legislation, will apply an appropriate level of background screening to all foreign nationals who seek flight training in the United States, and then the frustrations of the flight schools will be taken care of. The flight schools will be able to know that the background check has already been done abroad before the flight student from a foreign land arrives.

That procedure is not going to allow anyone to slip through the cracks. We cannot aid anyone who intends to do harm to Americans and to our Nation.

I thank all the Senators who helped me with this legislation. It has been a couple of years in the making to finally get it to this point. The chairman and ranking members, Senators MCCAIN and HOLLINGS, and their staff have worked with us to ensure the inclusion of this provision in the bill. Finally, we are on the way to solving this problem.

NOMINATION OF DEBORAH COOK

Mr. BAUCUS. Mr. President, I would like to explain why I opposed the nomination of Deborah Cook to the U.S. Circuit Court of Appeals for the Sixth Circuit earlier this week.

As I have stated, before, appointees to the Federal bench must be able to set aside their personal philosophies and beliefs. They must be able to administer and enforce the law in a fair and impartial manner. Because the U.S. Supreme Court hears fewer and fewer cases each year, the circuit courts are the court of last resort for many ordinary citizens and businesses. The circuit courts often have the last word on important cases dealing with civil rights, environmental protection, consumer protections, and labor issues, among many others. Circuit court judges must demonstrate a record of integrity, honesty, fairness, and a willingness to uphold the law. It doesn't matter if that person is nominated by a Democrat or a Republican—the standard remains the same.

In reviewing Ms. Cook's record, I noted several instances in which she clearly ignored her own State's Constitution or her own court's prior precedent in issuing her opinion or dissent. This was particularly striking in cases involving worker and consumer rights and protections. Her record indicates she lacks the sensitivity and legal integrity so vital to any person worthy of a lifetime appointment as a U.S. circuit court judge. Her record indicates she cannot set aside her own personal philosophies and beliefs in deciding the cases before her.

In short, I could not in good conscience, exercising my duty under the Constitution, vote to confirm Deborah Cook to a lifetime appointment on the Sixth Circuit Court of Appeals.

BUSINESS PRACTICES IN THE GUN INDUSTRY

Mr. LEVIN. Mr. President, a declaration recently filed in a California lawsuit by Mr. Robert A. Ricker, former assistant general counsel for the National Rifle Association and former executive director of the American Shooting Sports Council, revealed that many in the gun industry have long known that their business practices make it easier for criminals to gain access to guns yet often fail to do anything about it.

In his declaration, Mr. Ricker cites an example of irresponsible business practices in the gun industry known as straw purchasing. Straw purchases are a primary avenue by which a relatively small number of federally licensed firearm dealers supply the criminal market. A straw purchase involves a buyer with a clean record purchasing a gun for someone who is prohibited by law from doing so. Mr. Ricker asserts that it has long been known in the gun industry that many straw purchases and other questionable sales can be stopped

if dealers are trained in preventing illegal activity. However, in the absence of such training and a commitment to responsible business practices, many straw sales continue to take place undetected. Instead of requiring their dealers to act responsibly, Mr. Ricker says that it has been a common practice among some gun manufacturers to adopt a "see-no-evil, hear-no-evil, speak-no-evil" approach. This approach does nothing to discourage the evasion of firearms laws and regulations.

Mr. Ricker's accounts confirm what has long been suspected. Some gun manufacturers and dealers know their practices facilitate criminal access to firearms but they do nothing about it. The Lawful Commerce in Arms Act that recently passed the House and that has been referred to the Senate Judiciary Committee would shield those negligent and reckless gun dealers and manufacturers from many legitimate civil lawsuits. Certainly, those in the industry who conduct their business negligently or recklessly should not be shielded from the consequences of their actions. Mr. Ricker's declaration contributes further evidence that this bill would assist some in the gun industry in avoiding responsibility for their business practices.

ADDITIONAL STATEMENTS

NATIONAL NURSES WEEK

• Mr. JOHNSON. Mr. President, I acknowledge the importance of this week and pay tribute to a very important sector of our health care workforce. This week marks "National Nurse Week," which highlights the critical role that nurses play in our Nation's health care system. Nurses are the backbone of our health care system and their continued dedication and commitment to both patients and doctors deserves our praise during this special week. I am thankful for all the hard work that the men and women of this profession provide to the people of South Dakota and our Nation.

South Dakota is fortunate to have several successful nursing programs throughout the State dedicated to providing outstanding service to the people of South Dakota. It is important that these institutions continue to grow and work to bring bright young professionals to the nursing field. This job has become more difficult in recent years as the profession faces increased workforce shortages. The average practicing nurse is in her midforties and will soon leave the workforce for retirement. At the same time, we have less and less young nurses entering the field. This is especially a problem for rural States, such as South Dakota, which have chronic health care worker recruitment and retention problems. The nursing shortage also puts great strain on those currently working in the profession. Initiatives need to be

taken on both fronts, professional and educational, to address these challenges and bolster the nursing workforce in preparation for an aging baby boom generation.

Last year, I was pleased to be a co-sponsor of the Nurse Reinvestment Act, which was signed into law. This critically important legislation has established five standards that will help alleviate many of the problems facing the nursing profession, including a specific focus on implementing these programs in rural areas. First, it creates a National Nurse Service Corps Scholarship Program, which provides scholarships in exchange for at least 2 years of service in a critical nursing shortage area or facility. Second, it will recruit nurses by establishing Nurse Recruitment Grants and by creating both national and State public awareness campaigns. Third, it creates "career ladder" programs that will encourage individuals to pursue additional education, training, and advancement within the profession. Fourth, it includes a loan, scholarship, and stipend program for graduate level education in the nursing profession in exchange for teaching at an accredited school of nursing. Finally, it establishes a National Commission on the Recruitment and Retention of Nurses to conduct studies and make recommendations on the vital issues facing the nursing profession.

The fiscal year 2003 Omnibus Appropriations bill designated \$20 million in funding for the Nurse Reinvestment Act. While this marks a step in the right direction, I would like to see this funding increased to accurately reflect what is really needed to curb the workforce shortage crisis. I joined several of my colleagues in fighting for \$250 million in new money for this program last year, and as a member of the Senate Appropriations Committee, I will continue to fight for additional resources towards that goal.

As I have noted, the nursing workforce is the foundation of our health care system. The continued dedication and commitment of our country's nurses is truly inspirational and has made patients' lives better and doctors' jobs easier. I look forward to seeing this workforce grow as a result of the wonderful programs authorized by the Nurse Reinvestment Act. I will do what I can to help foster the expansion of these programs and I celebrate Nurses Week by thanking the nurses of this country for all that they do. •

MESSAGE FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 874. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.